

Serial No.: 10/726,313

REMARKS/ARGUMENTS

This response is timely filed as it is accompanied by an appropriate Petition for Extension of Time for Filing of Response under Rule 1.136(a) and the associated fee.

No additional claim fee is believed to be due because neither the total number of pending claims nor the number of independent claims is believed to exceed the total number and the number of independent claims, respectively, for which fees have previously been paid. If, however, it is determined that such a fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit Account 19-3550.

Election/Restrictions

In response to Election/Restriction requirements set forth in an Office Action dated as mailed on 13 September 2005, certain elections were made. In the subject Office Action, the election of the surface of a gas generant material was deemed to “not appear consonant with the species listed in claim 14” and a further restriction/election has been required. More particularly, the application has been alleged to contain claims directed to the following patentably distinct species of claimed invention:

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Species A: gas generant material for use in an automotive safety restraint;

Species B: hybrid gas storage container for use in an automotive safety restraint; and

Species C: damper pad for use in an automotive safety restraint.

The Action has required, under 35 U.S.C. 121, the election of a single disclosed species for claim 14 and the above listed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to allowable. The Action further sets forth that as to claims 14-17, "claims 1-13 and 18-29 appear generic and/or have covered [sic] by the prior election requirement."

Claims 1-29 remain in the application.

The following further elections are made relative to the disclosed species for claim 14 and the above listed species:

- a. regarding the disclosed species for claim 14, "surface of a gas generant tablet" is elected;
- b. regarding the above-listed species, Species A, i.e., "a gas generant material for use in an automotive safety restraint" is elected.

Of the pending claims, at least claims 1-15 and 18-29 are each believed to be readable on the so-elected invention species, with at least claim 1-13 and 18-29 believed to be generic thereto.

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Conclusion

It is believed that the above elections are properly responsive to the requirements contained in the Action and that the application is in condition for substantive examination. Should the Examiner detect any issue or have any question which might be resolved via a telephone discussion, the Examiner is kindly requested to contact the undersigned by telephone at the (847) 490-1400, in an effort to expedite examination of the application.

Respectfully submitted,



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